

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** David & McElyea Law Office Rezone from RP (Residential Professional District) and R-1AA (Single Family Dwelling District) to OP (Office Professional District) (Mike and Jim Hattaway, applicant)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Dan Matthys **CONTACT:** Tina Deater **EXT.** 7440

**Agenda Date** 4/26/05 **Regular** ☐ **Consent** ☐ **Work Session** ☐ **Briefing** ☐  
**Public Hearing – 1:30** ☒ **Public Hearing – 7:00** ☐

**MOTION/RECOMMENDATION:**

1. Enact an ordinance to APPROVE the request to rezone approximately 0.89 acres from R-1AA (Single Family Dwelling District) and RP (Residential Professional District) to OP (Office Professional District), subject to the attached development order, and authorize the Chairman to execute the aforementioned ordinance for said property located on the southeast corner of Faith Terrace and Maitland Avenue (Mike and Jim Hattaway, applicant); or
2. DENY the request to rezone approximately 0.89 acres from R-1AA (Single Family Dwelling District) and RP (Residential Professional District) to OP (Office Professional District); located on the southeast corner of Faith Terrace and Maitland Avenue (Mike and Jim Hattaway, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 4 – Commissioner Henley




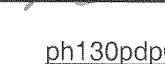
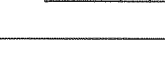

Tina Deater, Senior Planner

**BACKGROUND:**

The applicant is requesting to rezone approximately 0.89 acres from R-1AA and RP to OP to build a two-story foot law office consisting of approximately 10,044 square feet. The future land use designation of the subject property is Office, which is consistent with the proposed OP zoning classification.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the rezone from RP and R-1AA to OP, subject to the attached development order.

Reviewed by:	
Co Atty:	
DFS:	
OTHER:	
DCM:	
CM:	
File No.	ph130pdp03

The Planning and Zoning Commission met on April 6, 2005 and voted 5 to 0 to recommend APPROVAL of the rezone from RP and R-1AA to OP, subject to the attached development order.

**Attachments:**

Development Order  
Rezone Ordinance  
Zoning and FLU Map  
P&Z Minutes from April 6, 2005  
Aerial Map

## David & McElyea Law Office Rezone from R-1AA and RP to OP

Rezone from R-1AA (Single Family Dwelling District) and RP (Residential Professional District) to OP (Office Professional District)		Z2004-068
REQUEST		
APPLICANT	Mike Hattaway and Jim Hattaway	
REZONING	R-1AA (Single Family Dwelling District) and RP (Residential Professional District) to OP (Office Professional District)	
FUTURE LAND USE	Office	
APPROXIMATE GROSS ACRES	0.87	
LOCATION	Located on the southeast corner of the intersection of Maitland Avenue and Faith Terrace	
BCC DISTRICT	District 4 – Commissioner Henley	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION	Staff recommends APPROVAL of the rezone from RP and R-1AA to OP, subject to the attached development order.	

## STAFF ANALYSIS & FINDINGS

### OVERVIEW

#### **Zoning Request:**

The applicant is requesting to rezone approximately 0.89 acres from R-1AA and RP to OP, to build a two-story foot law office consisting of approximately 10,044 square feet. The future land use designation of the subject property is Office, which is consistent with the proposed OP zoning classification.

The subject property is located in an aquifer high recharge area, therefore the applicant is permitted to utilize environmentally sensitive (9' X 18') parking spaces per Section 30.1026 of the Seminole County Land Development Code and is also able to reduce the required parking from forty spaces to thirty-eight spaces to save a 36" oak tree, as allowed by the Land Development Code. Since the three lots that comprise the subject property will be combined into one lot through a unity of title, the subject property will be considered a "through lot" under the "front yard" definition section of the Land Development Code. The Planning Manager has granted a special yard area consideration for the attached site plan as allowed for a "front yard" by the Land Development Code. Therefore the front yard area is reduced as shown in the attached site plan to allow the parking area to encroach a maximum of 16' into the 25'

landscaped setback. This reduction of yard area is consistent with other front yard areas of other offices in the vicinity. At the time of the Planning and Zoning Commission meeting, it was thought that the applicant would have to obtain front yard setback variances from the Board of Adjustment. Upon further review, it was decided, however, that applying the special yard area requirement for a front yard was more appropriate.

The applicant is requesting a waiver to allow a two foot deep stormwater swale to encroach 15' into the required 25' buffer along the east property line. Under Section 30.1232 of the Land Development Code, the Planning Division Manager may allow stormwater retention/detention facilities to encroach into designated landscape buffers to a maximum of fifty (50) percent upon making a finding that all planting and structural requirements of the landscaping provisions of this Code are met and the visual screen provided by the bufferyard will be fully achieved and maintained. Retention areas are required to be designed to be dry within twenty-four (24) hours of a twenty-five (25) year storm event and not require fencing around such areas. The Planning Division Manager is authorized to permit the swale to encroach 12.5' into the buffer. Staff's opinion is that a two-foot deep swale will not interfere with the planting, buffering and wall requirements of the active/passive bufferyard standards. Therefore, staff recommends approval of the requested waiver to allow a two foot deep swale to encroach 15' into the required 25' buffer along the east property line, provided that the landscaping and buffering requirements of Section 30.1232 of the Seminole County Land Development Code are met. The swale is functioning as a conveyance system which should not harm the landscape.

**Existing Land Uses:**

(North)			(East)
(West)	Office Gas Station, Vacant <i>RP and R-1AA</i>	Office Offices and Single-family <i>RP</i>	
	Office Offices and Single-family <i>RP and R-1AA</i>	Office <b>(SUBJECT PROPERTY)</b> Law office and Single-family <i>RP and R-1AA</i>	
	Office Offices and Single-family <i>RP and R-1AA</i>	Office Offices and Single-family <i>R-1AA, RP and OP</i>	
(South)			

\***Bold** text depicts future land use designation, plain text depicts the existing use, and *italicized* text depicts zoning district. See enclosed future land use and zoning map for more details.

## **SITE ANALYSIS**

### **Facilities and Services:**

The proposed zoning is consistent with the adopted future land use designation assigned to the property and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Comprehensive Plan.

Water and reclaimed water services are available to the site and will be supplied by the City of Altamonte Springs. Sewer service is not available and, therefore, will be provided by an onsite septic system.

### **Transportation / Traffic:**

Access is from an existing driveway on Faith Terrace via Maitland Avenue. The applicant has elected to defer concurrency review at this time, therefore concurrency compliance will be required at the time of final engineering review.

### **Compliance with Environmental Regulations:**

Based on a preliminary analysis, staff has identified no concerns regarding environmental regulation compliance.

### **Compatibility with Surrounding Development:**

The property has a future land use designation of Office, which is consistent with the proposed OP zoning classification. The property is surrounded by Low Density Residential future land use on the east and Office future land use to the north, south and west.

### **Intergovernmental Notice**

In 1997, Seminole County entered into an Intergovernmental Planning Coordination Agreement with the School Board and the Cities of Altamonte Springs, Casselberry, Lake Mary, Oviedo, Sanford and Winter Springs. The City of Altamonte Springs was notified of the proposed rezone on March 21, 2005, as required by the agreement.

### **STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the rezone from RP and R-1AA to OP, subject to the attached development order.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission met on April 6, 2005 and voted 5 to 0 to recommend APPROVAL of the rezone from RP and R-1AA to OP, subject to the attached development order.

## **SEMINOLE COUNTY DEVELOPMENT ORDER**

On May 10, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

### **FINDINGS OF FACT**

Property Owner: David & McElyea, P.A.

Project Name: David & McElyea Law Office

Requested Development Approval: Rezone from RP (Residential Professional District) and R-1AA (Single Family Dwelling District) to OP (Office Professional District)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Tina Deater, Senior Planner  
1101 East First Street  
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is GRANTED.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. All development shall comply with the site plan attached as Exhibit B.
- b. The applicant shall obtain a unity of title for the three lots prior to obtaining site plan approval.
- c. A two foot deep swale shall be allowed to encroach 15' into the required 25' buffer along the east property line, provided that the landscaping and buffering requirements of Section 30.1232 of the Seminole County Land Development Code are met.
- d. The building shall be residential in character and architectural renderings shall be provided at the time of final site plan review.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.



(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Carlton Henley, Chairman  
Board of County Commissioners

## OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, David & McElyea, P.A., on behalf of itself and its heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

John H. McElyea, Registered Agent

Print Name

Witness

Print Name

STATE OF FLORIDA )

COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared, John H. McElyea, the Registered Agent of David & McElyea, P.A., who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Notary Public, in and for the County and State  
Aforementioned

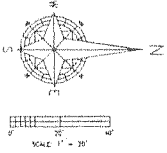
My Commission Expires:

## **Exhibit A**

Lot 22, Northwood Heights, according to the plat thereof as recorded in Plat Book 10, Page 28, Public Records of Seminole County, Florida.

PARCEL "A" : Begin 400 feet North 00E 19' 52" West of the Southwest corner of the Southeast 1/4 of the Southeast 1/4 of Section 24, Township 21 South, Range 29 East, Seminole County, Florida; run thence South 89E54' 31" East, 208.49 feet; run thence North 00E05' 29" East, 87.50 feet; run thence North 89E54' 31" West, 209.13 feet; run thence South 00E19' 52" East, 87.50 feet to the POINT OF BEGINNING. LESS: Right of way for Maitland Avenue (State Road S-427).

PARCEL "B" : Commence at the Northwest corner of the North 100.00 feet of the South 400.00 feet of the Southeast 1/4 of the Southeast 1/4 of Section 24, Township 21 South, Range 29 East, Seminole County, Florida; run thence South 89E54' 31" East along the North line of said North 100.00 feet 48.49 feet to the POINT OF BEGINNING; continue thence South 89E54' 31" East 160.00 feet; thence South 00E05' 29" West 100.00 feet; thence North 89E54' 31" West, 156.65 feet to the Easterly right of way line of Maitland Avenue; thence North 01E49' 52" West, 100.05 feet to the POINT OF BEGINNING. LESS: Right of way for Maitland Avenue (State Road S-427) as described in Special Warranty deed recorded in Official Records Book 303, Page 25, of the Public Records of Seminole County, Florida. SUBJECT TO: Easement for private road over the South 5.00 feet thereof as described in Official Records Book 112, Page 349, of the Public Records of Seminole County, Florida.



SITE STATISTICAL DATA			
DESCRIPTION	SQ. FT.	ACRES	% OF SITE
SITE AREA	38,097	0.87	100.0%
PROP. BLDG. AREA	2,022	0.11	13.21%
PROP. PAVEMENT AREA	15,182	0.35	39.85%
IMPERVIOUS AREA	20,207	0.46	53.16%
OPEN AREA	17,800	0.41	46.84%

FAR = 0.27 (SR) = .53  
 2,944 S.F. OF EXISTING PAVEMENT AREA  
 1,810 S.F. OF EXISTING BUILDINGS

#### PARKING CALCULATIONS

REQUIRED PARKING  
 = 1 SPACE PER 250 S.F. (OFFICE) 10,010/250 = 40 SPACES  
 TOTAL SPACES REQUIRED = 40 SPACES  
 TOTAL SPACES PROVIDED = 38 SPACES

#### SANITARY CALCULATIONS

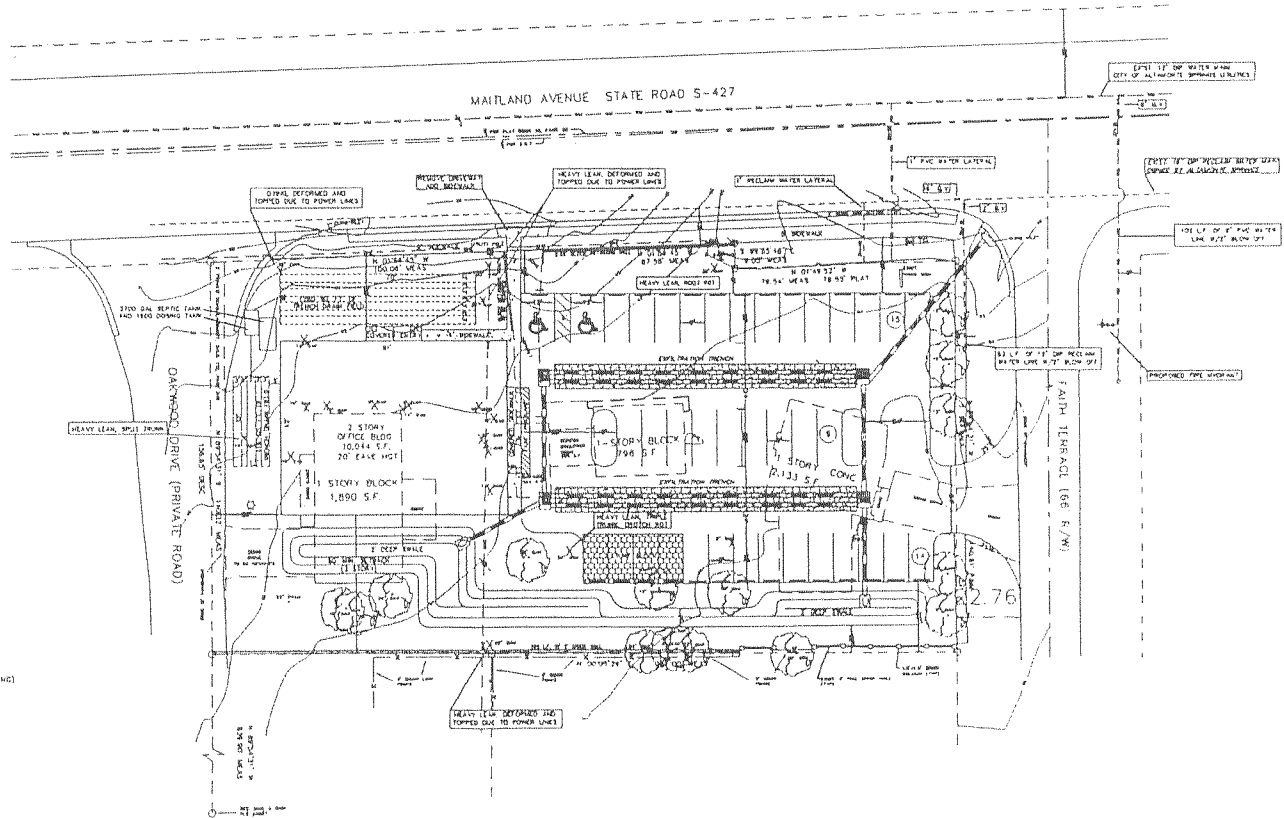
10,044 SQ. FT. OFFICE (100/15) GPM = 1507 GPD  
 2700 GAL. SEPTIC TANK & 1800 GAL. DITCHING TANK  
 TRENCH SYSTEM WITH PUMP (80/140) = 1874 SQ. FT. DT

#### TREE CALCULATION TABLE

10 TREES TO BE REMOVED (SOME TREES ARE SEVERELY DEFORMED AND DYING)  
 15 TREES TO BE SAVED

#### TRASH COLLECTION

CURB SIDE TRASH SERVICE (CURRENTLY BEING UTILIZED)



NO.	DATE	BY	CHKD.	APP'D.
1	10/10/20	JAC		
2	10/10/20	JAC		
3	10/10/20	JAC		
4	10/10/20	JAC		
5	10/10/20	JAC		
6	10/10/20	JAC		
7	10/10/20	JAC		
8	10/10/20	JAC		
9	10/10/20	JAC		
10	10/10/20	JAC		

AMERICAN CIVIL  
 ENGINEERING CO.  
 140 MAITLAND AVENUE  
 MAITLAND, FLORIDA

DAVID & MCLELLAN LAW OFFICE  
 REGD. PLAN

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM RP (RESIDENTIAL PROFESSIONAL DISTRICT) AND R-1AA (SINGLE FAMILY DWELLING DISTRICT) TO OP (OFFICE PROFESSIONAL DISTRICT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "David & McElyea Law Office Rezone "

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from RP and R-1AA to OP:

See Exhibit A

**Section 3. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 4. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon filing this order by the Department and recording of Development Order #04-2000020 in the official land records of Seminole County.

ENACTED this 10th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton Henley, Chairman

## Exhibit A

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PARCEL "B" : Commence at the Northwest corner of the North 100.00 feet of the South 400.00 feet of the Southeast 1/4 of the Southeast 1/4 of Section 24, Township 21 South, Range 29 East, Seminole County, Florida; run thence South 89E54' 31" East along the North line of said North 100.00 feet 48.49 feet to the POINT OF BEGINNING; continue thence South 89E54' 31" East 160.00 feet; thence South 00E05' 29" West 100.00 feet; thence North 89E54' 31" West, 156.65 feet to the Easterly right of way line of Maitland Avenue; thence North 01E49' 52" West, 100.05 feet to the POINT OF BEGINNING. LESS: Right of way for Maitland Avenue (State Road S-427) as described in Special Warranty deed recorded in Official Records Book 303, Page 25, of the Public Records of Seminole County, Florida. SUBJECT TO: Easement for private road over the South 5.00 feet thereof as described in Official Records Book 112, Page 349, of the Public Records of Seminole County, Florida.

**MINUTES FOR THE  
REGULAR MEETING OF THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION**

***WEDNESDAY, APRIL 6, 2005  
7:00 P.M.***

**Members present:** Beth Hattaway, Chris Dorworth, Ben Tucker, Matt Brown, Walt Eismann, and Dudley Bates.

**Member absent:** Richard Harris

**Also present:** Dan Matthys, Director of Planning and Development; Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Kim Romano, Assistant County Attorney; Jeffrey Hopper, Senior Planner; Tina Deater, Senior Planner; Tom Radzai, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

**B. David & McElyea Law Office; Mike Hattaway / Jim Hattaway, applicants;** approximately .87 acres; rezone from R-1AA (Single Family Dwelling District) and RP (Residential Professional District) to OP (Office Professional District); located on the southeast corner of Faith Terrace & Maitland Avenue. (Z2004-068)

Commissioner Henley - District 4  
Tina Deater, Senior Planner

Tina Deater presented the David and McElyea Law Office Rezone from R1-AA and Residential Professional to Office Professional. The subject property contains approximately 0.87 acres and is located on the southeast corner of Faith Terrace and Maitland Avenue.

The applicants are requesting a rezone from R-1AA and RP to OP, in order to build a two-story 10,044 square foot law office. The law office is currently operating out of two single-story buildings on the subject property. The future land use designation of the subject property is Office, which allows the proposed OP zoning classification.

The applicants are requesting a waiver to allow a two foot deep stormwater swale to encroach 15 feet into the required 25 foot buffer along the east property line. Under Section 30.1232 of the Land Development Code, the Planning



Division Manager may allow stormwater retention/detention facilities to encroach into designated landscape buffers to a maximum of fifty (50) percent upon making a finding that all planting and structural requirements of the landscaping provisions of this Code are met and the visual screen provided by the bufferyard will be fully achieved and maintained. Retention areas shall be designed to be dry within twenty-four (24) hours of a twenty-five (25) year storm event and not to require fencing around such areas. The Planning Division Manager could allow the swale to encroach 12.5 feet into the buffer. Staff's opinion is that a two-foot deep swale will not interfere with the planting, buffering and wall requirements of the active/passive bufferyard standards. Therefore, staff recommends approval of the deviation to allow a two foot deep swale to encroach 15 feet into the required 25 foot buffer along the east property line, provided that the landscaping and buffering requirements of Section 30.1232 of the Seminole County Land Development Code are met.

The applicants are also requesting variances to allow the parking lot to encroach into the 25-foot front yard setback required along Maitland Avenue and Faith Terrace, as shown on the site plan in the attached development order. The OP zoning district requires a 25-foot landscaped setback that cannot be paved or used for parking along all street rights-of-way. The applicant proposes to allow the parking area to encroach a maximum of 16 feet in this setback. This variance will be considered by the Board of Adjustment at May 23, 2005 meeting. Staff recommends that the proposed rezone to OP be conditioned upon the granting of these variances by the Board of Adjustment.

Staff recommends approval of the rezone from RP and R-1AA to OP, subject to the development order in your staff report, and with the following conditions:

1. The granting of a front yard setback variance by the Board of Adjustment as shown on the site plan in the attached development order. If the Board of Adjustment denies the variance request or approves a variance that requires a modification to the attached site plan, the applicant shall have to submit a revised site plan for review and approval by the Development Review Committee, Planning and Zoning Commission and Board of County Commissioners; and
2. A two foot deep swale shall be allowed to encroach 15 feet into the required 25 feet buffer along the east property line, provided that the landscaping and buffering requirements of Section 30.1232 of the Seminole County Land Development Code are met.

Commissioner Tucker asked if there are any other variances in this area. Had we approved a two story in the area previously?

Ms. Deater stated that there had been a Subway office approved in the area.

Commissioner Tucker asked Matt West if he knew.

Matt West stated that there were sites in the area that had been approved with RP (Residential Professional) zoning, such as the Zelman Building. RP zoning does not require the 25 foot buffer that OP (Office Professional) zoning requires. There have been other sites requiring waivers.

Mike Hattaway spoke on behalf of the applicants. He stated that the applicant's law firm had been in the current location for 15 years. They would like OP zoning and needed a site plan to do this. Mr. Hattaway thanked the staff for their assistance during the preparation of the project. He concurs with the staff recommendations.

Mr. Hattaway used an area map to demonstrate the location of 5 neighbors who had approved of the application. He explained that there were other neighbors in the audience who will speak. Mr. Hattaway stated that he would like to have the opportunity to respond to the comments and questions from the speakers when they are finished.

Commissioner Brown asked if the front elevation of the property would remain raised up in the front with the wall in place.

Mr. Hattaway deferred to Jack Reynolds, the project engineer.

Jack Reynolds of American Civil Engineering stated that the wall at the front will be removed, as well as a large dead tree which will improve line of sight visibility on the road adjacent to the building.

Robert H. Threadgill of 111 Oakwood Drive was concerned about the cars from the law office leaving the site by Oakwood Drive, which is a small private street. He would like a wall put along Oakwood Drive to keep the cars from going onto the road.

Susan Reel of 102 Oakwood Drive said that a 2 story building is out of keeping with the area and that it would not suit the neighborhood.

Rolly Reel of the same address said that if this is approved, other taller structures would follow. He owns the lot across from the current law office building and is going to have it rezoned to RP rather than OP because of height. He would like a single story building.

Anita Denny lives immediately behind the subject property and was concerned that this project would depreciate the value of her property. She did not want a 2-story building.

Commissioner Tucker asked Ms. Deater to address the height restrictions currently in place on the site.

Ms. Deater stated that the current restriction is 35 feet. The only limitation would come on parking.

Mr. Hattaway stated in rebuttal that there would be no access or traffic on Oakwood Drive. He is required to put in a hedge along the road there. The septic field is on the Oakwood Drive side, so there will be no parking near there. The height allowance now is 35 feet. The current future land use designation on the property is Office.

Commissioner Hattaway stated she would remove herself from the voting on this item.

**Commissioner Brown made a motion to recommend approval according to staff recommendations.**

**Commissioner Dorworth seconded the motion.**

Commissioner Eismann stated that this will be an improvement to the area.

Commissioner Brown stated that there was a 2 story school a few blocks away.

**The vote was 5 – 0 in favor of the motion. Commissioner Hattaway did not participate in the vote.**

District 4 Commissioner Henley  
Tina Deater, Senior Planner  
1101 East First Street  
Sanford, FL 32771  
Seminole County Government  
Land Planning Agency  
Planning and Zoning Commission

RE: Proposed Rezoning of property located on the southeast corner of Faith Terrace and Maitland Avenue (Mike and Jim Hattaway, applicants)

Dear Sir/Madam:

I am a resident of Oakwood Drive in Seminole County. Through my neighbors, I have been made aware of a proposed rezoning for the property located at the top of Oakwood Drive, on Maitland Avenue between Oakwood and Faith Terrace.

I am opposed to the rezoning of this property. As a homeowner, I oppose the construction of an office building in such close proximity to my home. I fear that once the property at the top of the street is rezoned, other property closer to Lake Seminary will also be viewed as potential sites for non-residential building. The area at the moment is home to quite a bit of Florida wildlife, including a nesting place for owls, and I do not want that to be disturbed. Also, I am concerned that the rezoning would adversely affect property values of homes on Oakwood Drive.

My main objection, however, is the safety of the residents of Oakwood Drive in leaving and arriving at our street, should increased traffic occur because of the building on Maitland Avenue. Right now, Oakwood Drive is located at a blind portion of the curve of Maitland Avenue coming from Maitland Boulevard. Traffic traveling north on Maitland Avenue from Maitland Boulevard does not have a view of Oakwood until stopping is difficult, at best, at speeds that are frequently utilized. I believe that an increase in traffic turning onto Maitland Avenue will certainly produce a hazard in that location. As we, the residents of Oakwood Drive, turn more frequently at that intersection, we are in the most danger for this potentially fatal hazard.

Therefore, I have a few questions that I would like to have answered:

- 1) Why weren't all the residents of Oakwood Drive notified of the meeting by mail? Certainly, we will be impacted by this decision and should have the right to raise our objections. I would like to know how the decision to notify is made and by whom.
- 2) What recourse will the residents of Oakwood Drive have if the rezoning is approved and it causes the hazard that I believe it will? I would like written acknowledgement by Commissioner Henley or Ms. Deater indicating that professional studies have been done that disprove my belief that a hazard is being caused. I would like to know what companies were used in these

studies and to what extent they are insured for mistakes, should the worst outcome occur. I believe that my home and the well being of my family, friends and neighbors is at stake. In this decision, I want to know the names and addresses of those responsible for approving this rezone, should that approval occur.

- 3) Another concern is obstruction of view of traffic coming south on Maitland Avenue going toward Maitland Boulevard. A two-story building could obstruct the view of traffic in that direction making the hazard even greater.
- 4) As Lake Seminary is one of the few pristine lakes in the area, has adequate environmental studies been performed, showing that this will not adversely affect the quality of this sensitive area? What companies have been used to conduct these studies and how are they insured for liabilities associated with erroneous reporting?
- 5) The residents of Oakwood Drive have well water. I am concerned that the aquifer will be adversely affected, have studies been done to contradict this issue. Again, what companies have been used and what are the associated liability on their part should their reporting be proved at a later date to be erroneous?
- 6) Does the rezoning committee take into account the affects to the surrounding area or does it just consider that plot of property?
- 7) How can area residents pursue their objections, in what format do the objections have to be communicated?
- 8) I would like to ask that my letter be added to the meeting as I am not available to attend due to the fact that I was only made aware of the meeting yesterday and not in enough time to make arrangements to attend.

I would appreciate it if you would sign the bottom of this letter, indicating receipt.

Sincerely,



Anne McTigue  
106 Oakwood Drive  
Maitland, FL 32751

Cc: Councilman Bob Miller  
Councilman Bill Taulbee  
Dean Sprague, City Manager, Maitland

I have received and read this letter.

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Commissioner Henley

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Tina Deater, Senior Planner



Lori Booker  
<lbooker@cbrpr.com>  
03/28/2005 02:37 PM

To "plandesk@seminolecountyfl.gov"  
<plandesk@seminolecountyfl.gov>  
cc  
bcc  
Subject In support of Rezone

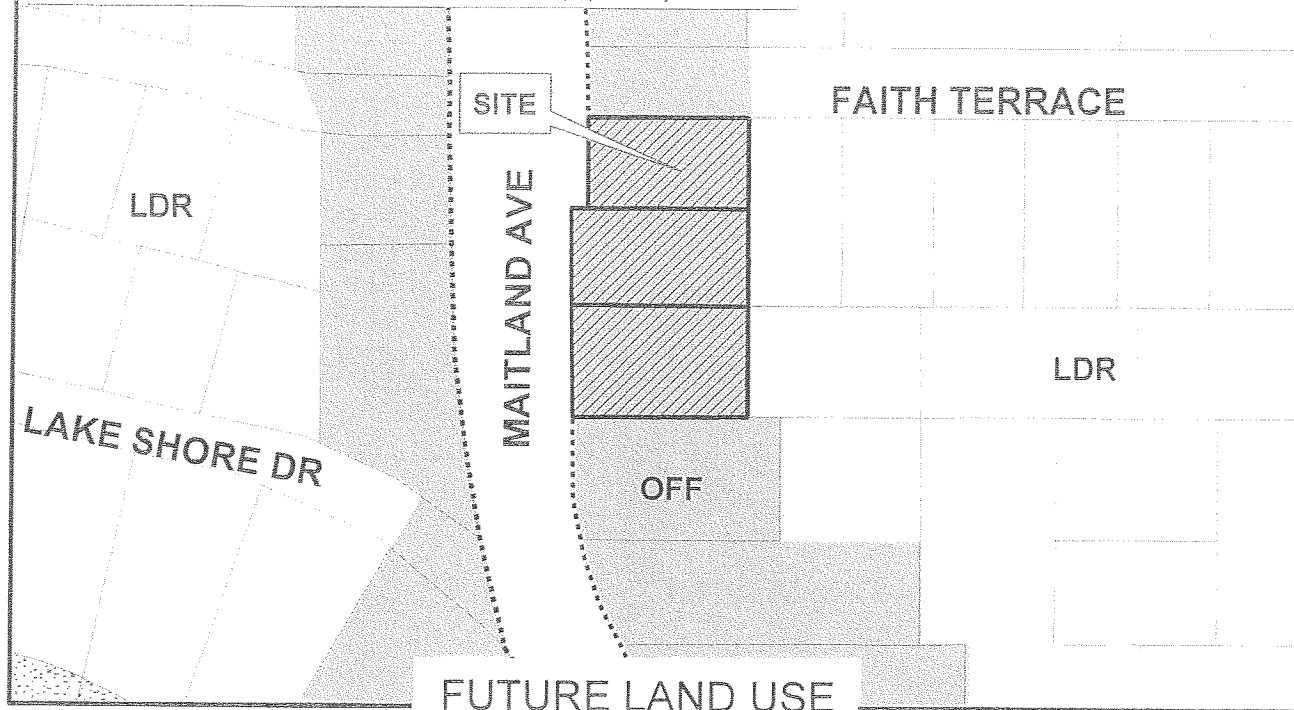
I am writing in support of the rezoning of the David & McElyea Law offices (Z2004-068) which are located directly across Maitland Avenue from my property at 1495 North Maitland Avenue. I understand that they are seeking to rezone from R-1AA and RP to OP.

If you need any further information, please do not hesitate to call on me. FYI, I also own the house located at 503 Lake Shore Drive which is immediately adjacent to my office building on Maitland, so you could consider this two votes in favor of the rezoning. I can be reached via this email or at 407/834-7777.

**Lori C. Booker, APR**  
**Agency CEO**  
<http://www.cbrpr.com>

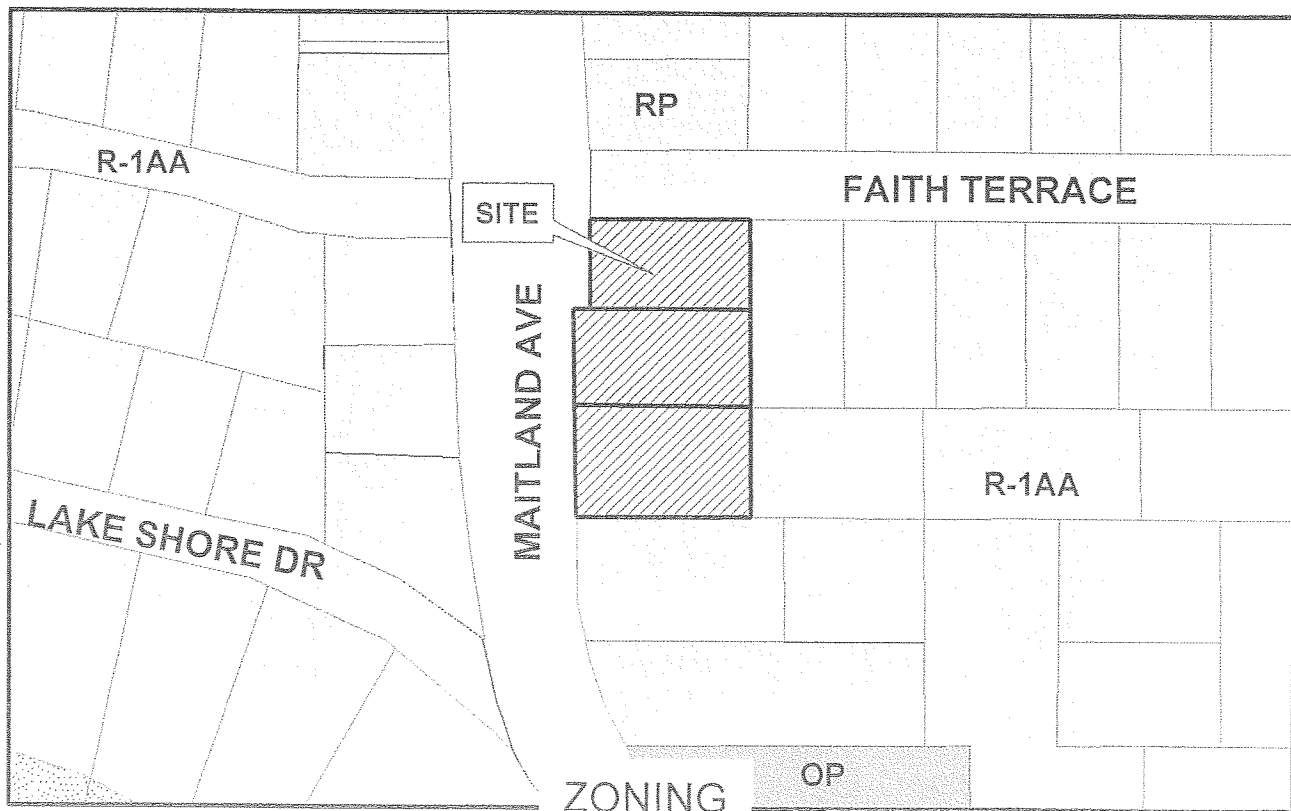
PGP:xX24500yziitq

The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.




Applicant: Mike and Jim Hattaway  
 Physical STR: 24-21-29-300-0440 & 0450-0000  
 and 24-21-29-512-0000-0220  
 Gross Acres: .87 +/- BCC District: 4  
 Existing Use: Office Conv. Residential  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-068	RP/R-1AA	OP





Rezone No: Z2004-068  
From: RP/R-1AA To:OP

 Parcel

 Subject Property



January 2004 Color Aerials

